

XAVIER BECERRA, State Bar No. 118517
Attorney General of California
PETER A. MESHOT, State Bar No. 117061
Supervising Deputy Attorney General
DIANA ESQUIVEL, State Bar No. 202954
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7320
Facsimile: (916) 322-8288
E-mail: Diana.Esquivel@doj.ca.gov

Attorneys for Defendant State of California

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

SOKCHEATH HIN,

Plaintiff,

V.

**U.S. DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE,
et al.,**

Defendants.

No. 2:21-cv-0393 TLN-JDP

**STIPULATION AND ORDER FOR
THIRTY-DAY EXTENSION FOR
DEFENDANT STATE OF CALIFORNIA
TO RESPOND TO THE COMPLAINT**

Action Removed: March 3, 2021

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Under Federal Rules of Civil Procedure 6

Defendant State of California (State), by and th

stipulate to a thirty-day extension for the State

response is currently due on March 10, 2021 as

81(c)(2)(C). Good cause exists to the grant this

and conferring concerning the State's perceived

need for a motion under Rule 12(b)(6) and may

Stipulation & Order for 30-Day Extension for State to Respond to Complaint (2:21-cv-0393 TLN-JDP)

1 When an act must be done within a specified time, the court may, for good cause, extend
2 the time with or without motion or notice if the court acts, or if a request is made, before the
3 original time expires. Fed. R. Civ. P. 6(b)(1)(A). A defendant who did not answer before removal
4 must respond to the complaint within seven days after the notice of removal is filed. Fed. R. Civ.
5 P. 8(c)(2)(C).

6 The State was served with the summons and complaint on February 4, 2021. (*See Proof of*
7 *Service of Summons*, ECF No. 1-2 at 4.) Its response to the complaint was due on March 8, 2021,
8 as required under California law. However, on March 3, 2021, Defendant City of Stockton
9 removed the action to this Court before the State responded to the complaint. (ECF No. No. 1.)
10 The State's responsive pleading is now due on March 10.

11 Before this action was removed, counsel for the State was meeting and conferring with
12 Plaintiff's attorney concerning the State's perceived deficiencies in the complaint before filing a
13 demurrer. On March 2, the State's attorney provided opposing counsel with a detailed outline,
14 including authorities, of the perceived deficiencies. Although Plaintiff's counsel agrees that
15 amendment of the complaint may be warranted, he requires more time to consider the points
16 raised in defense counsel's meet-and-confer correspondence. Also, the State requires more time
17 to prepare its response to the complaint if the parties are unable to reach agreement over the
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1 proper course of action. Thus, good cause exists to grant this stipulated request because it will
2 give the parties an opportunity to fully meet and confer about the adequacy of the pleading, file
3 an amended complaint if warranted, and avoid burdening the Court with a dismissal motion.

4 IT IS SO STIPULATED.

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6 Dated: March 5, 2021

Respectfully submitted,

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XAVIER BECERRA
Attorney General of California
PETER A. MESHOT
Supervising Deputy Attorney General

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10 /s/ *Diana Esquivel*

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DIANA ESQUIVEL
Deputy Attorney General
Attorneys for Defendant State of Cal.

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LAW OFFICES OF SHARONA ESLAMBOLY
HAKIM

15 /s/ *Narek Postajian* (as authorized 3/5/21)

16 SHARONA ESLAMBOLY HAKIM
17 NAREK POSTAJIAN
Attorneys for Plaintiff Sokcheath Hin

ORDER

Good cause appearing and based on the parties' stipulation, the Defendant State of California's request for a thirty-day extension to respond to the complaint is GRANTED.

Defendant State of California shall file its response to the complaint on or before April 9, 2021.

IT IS SO ORDERED.

Dated: March 8, 2021


Troy L. Nunley

Troy L. Nunley
United States District Judge